



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,015	11/26/2003	Ronald W. Wortley	11984.5	1784

7590

11/29/2005

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 48111

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,015

Applicant(s)

WORTLEY ET AL.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the amendment filed September 12, 2005

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

and

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 11, 13, 15-23, and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Schweikert, US 2003/0066218.

With respect to claims 1, 11, 13, 15, 16, 17, 18, 19, 22, 23, and 25, Schweikert teaches catheter information ring 110 comprising an identification member 124, and a cross member 112 attached to the identification member, wherein the cross member transverses a hose

clamp 170 to retain the identification member 124 adjacent the clamp independently of the hose on which the hose clamp is located. (See figures 1, 2, 4-9).

Referring to claim 12, 20 and 24, Schweikert teaches a first connecting portion having an identification member 630, and a cross member 602 attached to the identification member 630, wherein the cross member transverses a hose clamp to retain the identification member 630 adjacent the clamp independently of the hose on which the hose clamp is located. Schweikert also teaches a second connecting portion 608 engageable with the first connecting portion, wherein the second connecting portion has a cross member 610 having a curved or rounded portion which is loosely engageable against the curved portion 584 of the hose clamp. See paragraph 0044. The curved portion of the cross member 610 of the second cross member corresponds to the "member that engages the hose clamp" as claimed.

With respect to claim 2, the identification member is in the form of a plate. (See figures 1-12).

With respect to claim 3, Schweikert also teaches a stabilizing plate 130 attached to the cross member 112 so the stabilizing plate is substantially parallel the identification plate.

With respect to claims 4, 25, and 21, the stabilizing plate taught by Schweikert is be removable retained substantially adjacent the clamp. The information ring is adapted to selectively inserted and removed from the clamp both independently of the clamp in one embodiment and independently of the hose or conduit in another embodiment.

With respect to claim 6, the identification device substantially matches the contours of the hose clamp so no portions of the identification device substantially protrude beyond the hose clamp. (See paragraph 0042).

With respect to claim 7, the identification device is secured adjacent the hose clamp to reduce or prevent movement of the identification device independent of the hose clamp The information ring is adapted to have the hose or conduit extend through opening 122.

With respect to claim 20, the opening 22 allow the information ring to engage the hose or conduit.

3. Claims 1, 2, 5-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolfson, U. S. Patent 5,281,228.
4. Wolfson teaches a clamp 62 comprising an identification member 66 attached to cross member 74, wherein the cross member transverses the clamp 62. Wolfson also teaches a members 76 and 82 that engages the clamp.
5. With respect to claim 2, the ID 66 is a plate.
6. With respect to claims 5, 12, and 14, the engaging members 76 and 82 are protrusion. See figure 3.
7. With respect to claim 6, the planar ID member 66 matches the planar surface of the clamp.


Response to Arguments

8. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
November 22, 2005